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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,020

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EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/627,020

Applicant(s)

MCCORMACK, MARGARET

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-39 are pending in this application.

#### ***Claim Objections***

2. Claims 1, 3, 5, 19, 30, and 33 are objected to due to their non-descriptive preambles. All of the claims either recite either "A system comprising..." or "A method comprising..." This is insufficient, as the preamble should establish the environment or objective of the claimed invention, such as in the independent method claims 36 and 38.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 22-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 22-29 claim a graphical user interface that is not tied to any physical device, making it software per se, which is merely functional descriptive material. Therefore, the claims fail to fall into any of the four statutory classes of invention: process, machine, manufacture, or composition of matter.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 22 and 26 are rejected under 35 U.S.C. 112, first paragraph for reciting a single means or step. Under 35 U.S.C. 112, first paragraph, the enabling disclosure of the specification must be commensurate in scope with the claim under consideration. The claims recite a single means or step and hence it covers every conceivable means for achieving the stated result, while the specification discloses at most only those means known to the inventor. See MPEP § 2164.08(a). In re Hyatt, 218 USPQ 195 (CAFC 1983).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1-12, 19-21, 30, and 32-35, are rejected under 35 U.S.C. 102(b) as being anticipated by Pioch ("A short IRC primer", Edition 1.1b, February 28, 1993).

9. As to claim 1, Pioch discloses a system comprising:

- a network (pg. 3, sec. 1.1: paragraph 1);

- an instant messaging (IM) server computer system coupled to the network (pg. 4, sec. 1.1: paragraph 5) the IM server computer system comprising:

- a collaborative shell program, and an instant messaging (IM) server application coupled with the collaborative shell program (pg. 4, sec. 1.1: paragraph 5, IRC clients read on "a collaborative shell program");

- at least one user computer system coupled to the network (pg. 4, sec. 1.1: paragraph 5), the at least one user computer system comprising:

- an instant messaging (IM) client application (pg. 3, sec. 1.1: paragraph 1), and a command line interface (CLI) shell program (pg. 6, sec. 1.5: paragraph 1); and

- at least one target computer system coupled to the network (pg. 4, sec. 1.1: paragraph 5).

10. As to claim 30, Pioch discloses a method comprising:

- receiving an event at an instant messaging (IM) server computer system on a network to open a session connection to an instant messaging (IM) client

application on at least a first user computer system on the network (pg. 13, sec.

2.3: paragraphs 7-9 : /JOIN [<channel>]);

opening a session connection to the IM client application on the at least a first user computer system (pg. 13, sec. 2.3: paragraphs 7-9 : /JOIN [<channel>]);

starting a session (pg. 13, sec. 2.3: paragraphs 7-9 : /JOIN [<channel>]);

receiving an event to open one or more additional connections within the session to one or more target computer systems on the network (pg. 14, sec. 2.3: paragraphs 13-15 : /INVITE <nickname> [<channel>]);

opening the one or more additional connections to each of the one or more target computer systems (pg. 14, sec. 2.3: paragraphs 13-15 : /INVITE <nickname> [<channel>]);

receiving text input from the at least a first user computer system and the one or more target computer systems (any text input entered in the channel will be sent to other clients; pg. 5, sec. 1.4: paragraph 3);

intercepting the text at the IM server computer system by a collaborative shell program, wherein the text includes one or more characters (pg. 5, sec. 1.5: paragraph 1);

determining whether the text includes a predefined command character (pg. 4, sec. 1.4: paragraphs 3-4);

upon a determination that the text includes the predefined command character, sending the remaining characters to the one or more target computer systems (pg. 4, sec. 1.4: paragraphs 3); and

upon a determination that the first character of the text is not the predefined command character, sending the text to an IM server application utilized by the IM server computer system (pg. 4, sec. 1.4: paragraphs 4).

11. As to claims 3, 5-6, 19, and 21, they are rejected by the same rationale set forth in claim 30's rejection.

12. As to claim 33, it is rejected by the same rationale set forth in claim 1's rejection.

13. As to claim 2, Pioch discloses the at least one user computer system further comprises:

- a processor (inherent in pg. 1, Abstract: paragraph 1);
- an operating system (inherent in pg. 1, Abstract: paragraph 1);
- an input device (inherent in pg. 1, Abstract: paragraph 1); and
- a display (inherent in pg. 1, Abstract: paragraph 1).

14. As to claims 4, 7, 20, and 32, Pioch discloses receiving a response from the at least one target computer system and automatically sending the response to the user computer system (pg. 5, sec. 1.4: paragraph 3, any user in the channel reads on at least one target computer system and anything they type will be received by the current user).

15. As to claim 8, Pioch discloses the predefined command character is a character not assigned a functionality by a command line interface (CLI) shell program utilized by the user computer system (pg. 5, sec. 1.4: paragraph 2).

16. As to claim 9, Pioch discloses the predefined command character is an asterisk (pg. 5, sec. 1.4: paragraph 2, as "/" is only the default command designator, it is up to the user's preference to select one and the asterisk can be selected).

17. As to claim 10, Pioch discloses the subsequent characters are a command (pg. 5, sec. 1.4: paragraph 2).

18. As to claim 11, Pioch discloses the response is sent as an instant message (pg. 5, sec. 1.4: paragraph 3).

19. As to claim 12, Pioch discloses receiving a selection of the at least one target computer system from the user computer system over the network (pg. 10, sec. 2.2: paragraph 6, /QUERY command).

20. As to claim 34, Pioch discloses instant messaging functionalities and chat functionalities (pg. 1, Abstract: paragraph 1).



21. As to claim 35, Pioch discloses means for authenticating each of the one or more users on the one or more user computer systems to each of the one or more target computer systems over the network (pg. 32, sec. 3.7, clients are associated with a nickname and they are a means of authentication because there can be only one of a particular nickname).

22. Claims 22-29 and 36-39, are rejected under 35 U.S.C. 102(e) as being anticipated by Appelman (US Pat. 6,677,968).

23. As to claim 22, Appelman discloses a graphical user interface comprising: at least one selectable identifier of a target computer system coupled to a network (Fig. 3 and column 4, lines 9-18).

24. As to claim 26, Appelman discloses a graphical user interface comprising: at least one selectable identifier of a program selected from the group consisting of a script, a bot, and an agent (Fig. 3 and column 4, lines 9-18).

25. As to claim 36, Appelman discloses a method for monitoring status information over a network (Abstract) comprising:  
periodically querying one or more target computer systems on a network for status information (column 8, lines 2-8);

receiving the status information returned from the one or more target computer systems (column 1, lines 59-65);

and providing a user at a user computer system on the network with an indication of the status of the one or more target computer systems in a graphical user interface displayed on the user computer system by an instant messaging (IM) client application (Fig. 3 and column 4, lines 9-18).

26. As to claim 38, Appelman discloses a method for monitoring status information over a network comprising:

periodically querying at least one program selected from the group consisting of a script, a bot, and an agent for status information (column 8, lines 2-8);

receiving the status information returned from the at least one program (column 1, lines 59-65); and

providing a user at a user computer system on the network with an indication of the status of the at least one program in a graphical user interface displayed on the user computer system by an instant messaging (IM) client application (Fig. 3 and column 4, lines 9-18).

27. As to claim 23, Appelman discloses a status indicator associated with the at least one selectable identifier of a target computer system coupled to a network (Fig. 3 (each user has a status indicator, either IN or OUT) and column 4, lines 9-18).

28. As to claim 24, Appelman discloses at least one selectable identifier of a program selected from the group consisting of a script, a bot, and an agent (Fig. 3 and column 4, lines 9-18).

29. As to claim 25, Appelman discloses at least one selectable identifier of a user having access to the network (Fig. 3 and column 4, lines 9-18).

30. As to claim 27, Appelman discloses a status indicator associated with the at least one selectable identifier of a program selected from the group consisting of a script, a bot, and an agent (Fig. 3 and column 4, lines 9-18).

31. As to claim 28, Appelman discloses at least one selectable identifier of a user having access to a network (Fig. 3 and column 4, lines 9-18).

32. As to claim 29, Appelman discloses at least one selectable identifier of a target computer system coupled to the network (Fig. 3 and column 4, lines 9-18).

33. As to claims 37 and 39, Appelman discloses the indication of the status of the one or more target computer systems is provided by a status indicator displayed in the graphical user interface and associated with each of the one or more target computer systems (Fig. 3 and column 4, lines 9-18).

***Claim Rejections - 35 USC § 103***

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pioch as applied to claims 5 and 12 above, and further in view of Appelman.

36. As to claim 13, Pioch discloses the invention substantially with regard to the parent claim 12, but does not disclose the selection of the at least one target computer system is input on a first graphical user interface displayed on the user computer system.

However, Appelman discloses the selection of the at least one target computer system is input on a first graphical user interface displayed on the user computer system (column 6, lines 23-31).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Pioch and Appelman in order to

utilize the more user friendly environment of the graphical user interface of Appelman's invention with the functionality of Pioch's invention.

37. As to claim 14, Appelman and Pioch disclose the invention substantially with regard to the parent claim 13, and further disclose the first graphical user interface is a buddy list (Appelman, column 6, lines 23-31).

38. As to claim 15, Appelman and Pioch disclose the invention substantially with regard to the parent claim 13, and further disclose the first graphical user interface is displayed by an instant messaging (IM) client application on the user computer system (Appelman, column 6, lines 23-31).

39. As to claim 16, Pioch discloses the invention substantially with regard to the parent claim 5, but does not disclose the text is input to a second graphical user interface displayed on the user computer system.

However, Appelman discloses the text is input to a second graphical user interface displayed on the user computer system (column 6, lines 23-31).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Pioch and Appelman in order to utilize the more user friendly environment of the graphical user interface of

Appelman's invention with the functionality of Pioch's invention and segregate conversations with different users in separate chatting windows, thus allowing greater ease of use for the user.

40. As to claim 17, Appelman and Pioch disclose the invention substantially with regard to the parent claim 16, and further disclose the second graphical user interface is a chat window (Appelman, column 6, lines 23-31).

41. As to claim 18, Appelman and Pioch disclose the invention substantially with regard to the parent claim 17, and further disclose the second graphical user interface is displayed by an instant messaging (IM) client application on the user computer system (Appelman, column 6, lines 23-31).

42. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pioch as applied to claim 30 above, and further in view of McGee et al (US Pub. No. 2004/0019701), hereafter "McGee".

43. As to claim 31, Pioch discloses the invention substantially with regard to the parent claim 30, but does not disclose authenticating that a user of the at least a first user computer system has access rights to the one or more target computer systems on the network.

However, McGee discloses authenticating that a user of the at least a first user computer system has access rights to the one or more target computer systems on the network ([0023]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Pioch and McGee in order to extend the functionality of Pioch's invention by giving clients the ability to access files.

#### ***Conclusion***

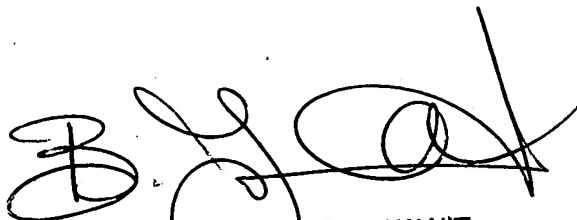
44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJD  
3/20/2007



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